

Walker discloses a method and apparatus for secure storage of audio signals. The Background section of Walker discusses the deficiencies of conventional techniques for recording conversations. Specifically, this section of Walker describes that telephone answering machines and tape recorders can have their recorded contents easily deleted or altered, and time stamps of these recordings can be altered. In view of these deficiencies, Walker discloses the use of an audio vault 12 for recording telephone conversations between Party 13 and Party 14. Party 13 and Party 14 connect to the audio vault 12 via telephone lines, a computer network or the Internet. According to one embodiment, a first party establishes a connection to the audio vault by placing a telephone call, and a connection with a second party is established either by the audio vault placing a call to the second party or the second party placing a call to the audio vault. (Walker at col. 6, lines 19-39).

To reject Applicants' claim 1, the Office Action asserts that the combination of audio vault 12 and Party 13 correspond to Applicants' first telecommunication device. It is respectfully submitted that this interpretation of Applicants' first telecommunication device is improper.

M.P.E.P. § 2111, citing In re Cortright, 165 F.3d 1353, 1359, 4905 USPQ2d 1464, 1468 (Fed. Cir. 1999), states that "[t]he broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach." As discussed above, Walker discloses that Party 13 and Party 14 connect to the audio vault 12 via the same type of communication medium, e.g., telephone connections. In some embodiments Walker discloses that a single conference call telephone line, carrying a

telephone conversation between two or more parties, can connect to the audio vault. In one embodiment the "audio vault can serve a single user at a *remote location*." (Walker at col. 5, lines 21-22) (emphasis added). In col. 5, lines 55-57 Walker describes that the audio vault includes "a communication port 25 connected to CPU 21 that enables CPU 21 to communicate with *devices external to the audio vault*," and then goes on to describe connections to users of the audio vault (emphasis added). Accordingly, Walker discloses that Party 13 and Party 14 are connected to the audio vault via the same type of medium, and does not indicate that when the parties are connected to the audio vault that the audio vault is considered a part of one parties telecommunication device and not a part of the other parties telecommunication device.

In the Response to Arguments section of the Office Action it is asserted that "[t]he Audio Vault can be physically located or attached to the first communication device by a telephone connection while connecting with the second device by another telephone connection." However, it is respectfully submitted that in view of Walker's disclosure that Party 13 and Party 14 are connected via the same medium, e.g., a telephone line, to the audio vault, that one of ordinary skill in the art would not have considered the audio vault to be a component of one party and not a component of the other party. The Office Action has not provided a citation to a disclosure in Walker which would support an interpretation that the audio vault should be considered a component of the telecommunication device of Party 13 and not a component of the telecommunication device of Party 14 as asserted by the Office Action.

Additionally, the Office Action does not indicate where Walker discloses a physical co-location between Party 13 and audio vault 12 which was asserted in the Response to Arguments section. *Accordingly, if this ground of rejection is maintained, Applicants' respectfully request that the next Office Action provide a citation, by column and line number, to a disclosure in Walker of the audio vault and the first party being physically located together.*

M.P.E.P. § 2111, citing In re Hyatt, 211 F.3d 1367, 54 USPQ.2d 1664, 1667 (Fed. Cir. 2000) states that "[d]uring patent examination, the pending claims must be given their broadest reasonable interpretation *consistent with the specification*." (Emphasis added). Applicants' specification, at page 8, lines 10-15, provides examples of telecommunications devices including a GSM phone, a Bluetooth™ device, other types of radio communications devices and stationary telephones. In contrast to the telecommunication devices described in Applicants' specification, Walker discloses that Party 13 and Party 14 are distinct elements from audio vault 12. This is evident from the fact that Walker discloses Party 13 and Party 14 being connected to audio vault 12 through telephone connections 15 and 16, respectively. Accordingly, it is respectfully submitted that the assertion in the Office Action that Party 13 and audio vault 12 correspond to the first telecommunication device of Applicants' claim 1 is improper because such an interpretation is not consistent with Applicants' specification.

Moreover, M.P.E.P. § 2131.01, citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ.2d 1913, 1920 (Fed. Cir. 1989) states that to anticipate a claim a prior art document must disclose "elements... arranged as required by the claim." In

contrast to Applicants' claim 1 which recites a first and second telecommunications device each comprising a speaker and a microphone, Walker discloses a First Party 13 and a Second Party 14 connected via telephone lines to the audio vault. Accordingly, Walker does not disclose the elements of Applicants' claim 1 arranged as required by Applicants' claim 1.

Because the Office Action's interpretation of the telecommunication device recited in Applicants' claim 1 is not consistent with an interpretation that those skilled in the art would reach, is not consistent with Applicants' specification, and because Walker does not disclose elements arranged as in Applicants' claim 1, it is respectfully submitted that the rejection of this claim by Walker is improper.

Claims 3 and 5-7 variously depend from applicants' claim 1, and are, therefore, not anticipated by Walker for at least those reasons stated above with regard to Applicants' claim 1.

Independent claims 2, 8, 13 and 14 recite similar elements to those discussed above with regard to applicants' claim 1, and hence, are not anticipated by Walker for similar reasons to those discussed above with regard to Applicants' claim 1. Claims 9-12 variously depend from Applicants' claim 8, and are, therefore, not anticipated by Walker for at least those reasons stated above with regard to Applicants' claim 8. Applicants' claims 15 and 16 depend from Applicants' claim 14, and are, therefore, not anticipated by Walker for at least those reasons stated above with regard to Applicants' claim 14.

For at least those reasons stated above, it is respectfully requested that the rejection of claims 1-3 and 5-16 as allegedly being anticipated by Walker be withdrawn.

In the third paragraph of the Office Action claim 4 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Walker in view of U.S. Patent No. 6,287,884 to Kim ("Kim") and U.S. Patent No. 6,526,287 to Lee ("Lee"). This ground of rejection is respectfully traversed.

Claim 4 depends from claim 1. As discussed above with regard to claim 1, Walker does not disclose all of the elements of Applicant's claim 1. It is respectfully submitted that Walker does not suggest all of the elements of Applicant's claim 1. Moreover, it is respectfully submitted that Kim and Lee do not overcome the above-identified deficiencies of Walker with respect to Applicant's claim 1. Accordingly, it is respectfully submitted that claim 4 is patentably distinguishable over the combination of Walker, Kim and Lee, and hence, withdrawal of this rejection is respectfully requested.

All outstanding objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice to this effect is earnestly solicited. If there are any questions regarding this response, or the application in general, the Examiner is encouraged to contact the undersigned at 703-838-6578.

Respectfully submitted,

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